

The Commonwealth of Massachusetts



2017 00006288

Bk: 1449 Pg: 998 Doc: LIC
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No. 14467

Whereas, RMJ Dock LLC

of -- Chilmark -- in the County of -- Dukes -- and Commonwealth aforesaid, -- has applied to the Department of Environmental Protection for a license to -- reconstruct, expand and maintain an existing authorized pier, install a pile, and remove piles ----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Chilmark. ----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said ----

RMJ Dock LLC --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- reconstruct, expand and maintain an existing authorized pier, install a pile, and remove piles -----

in and over the waters of -- Menemsha Basin -- at 16 Harbor Hill Lane --, in the -- Town -- of -- Chilmark -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 14467 (2 sheet(s)).

The structures hereby authorized shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

Existing structures and/or uses previously authorized under DPW License No. 4712(issued in1963) shall be maintained in accordance with the terms and conditions of said license and plans.

This license will expire thirty (30) years from the date of License issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

SPECIAL WATERWAYS CONDITIONS:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists on the subject property lying between the high and low watermarks, below the high water mark, the Licensee shall allow the public in the exercise of such rights to pass freely over all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the northerly/southerly sides of the pier previously authorized herein, adjacent to the mean high water shoreline. Said signs shall be designed in accordance with the signage specifications provided by the Department, attached hereto, and be posted **immediately upon completion of construction**. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. In partial compensation for private use of structures on tidelands of the Commonwealth which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. In accordance with License Plan No. 14467 the Licensee shall remove the existing dock . Said dock shall be removed, immediately prior to construction, in its entirety and properly disposed of in conformance with all local, state and federal laws.

4. Vessels shall be moored such that they do not become grounded at any tide.

5. No dredging (including, but not limited to effects of prop wash) is permitted herein.

6. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

7. Within sixty (60) days of completion of the licensed project, the Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

Duplicate of said plan, number 14467 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.
9. This License authorizes structure(s) and/or fill on:

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

__ Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

__ Navigable River and Streams. The Licensee shall not restrict the public's right to use and pass freely, for any lawful purpose, in the Waterways.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

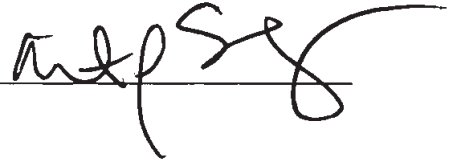
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- RMJ Dock LLC -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (0 cubic yard(s) = \$0.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Dukes.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 26th day of September in the year two thousand seventeen.

Commissioner 

Department
of Environmental
Protection

for Program Chief 

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- RMJ Dock LLC --

of the further sum of -- one hundred two dollars and zero cents (\$102.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON,

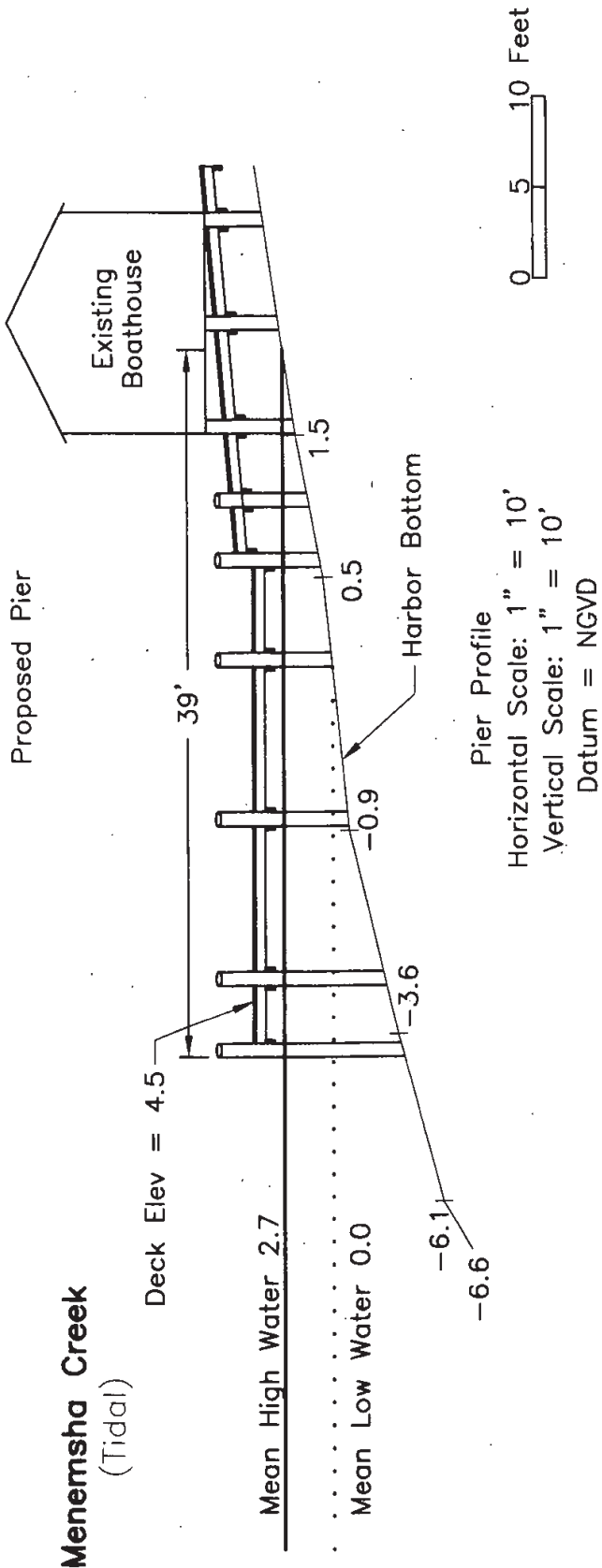


Governor

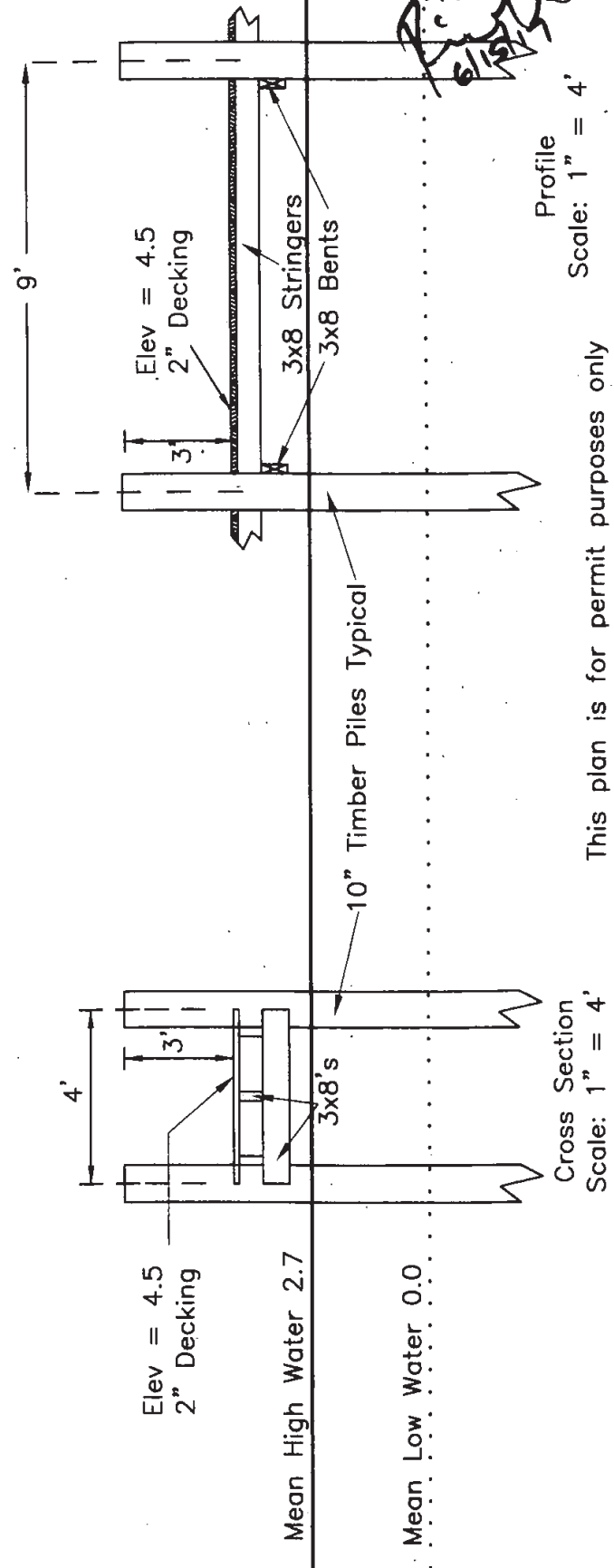
LICENSE PLAN NO.
Approved by Department of Environmental Protection
Date:

14467

[SEP 26 2017

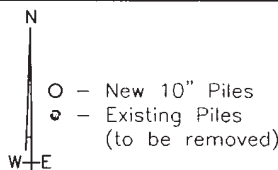


Plan accompanying petition of
RMJ Dock LLC
#16 Harbor Hill Ln
Scale: As noted

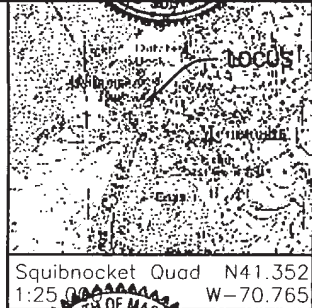


I certify that the property lines shown on this plan are the lines dividing existing ownerships, and that no new lines for division of existing ownership or ways are shown

I certify that this plan has been prepared in conformity with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts



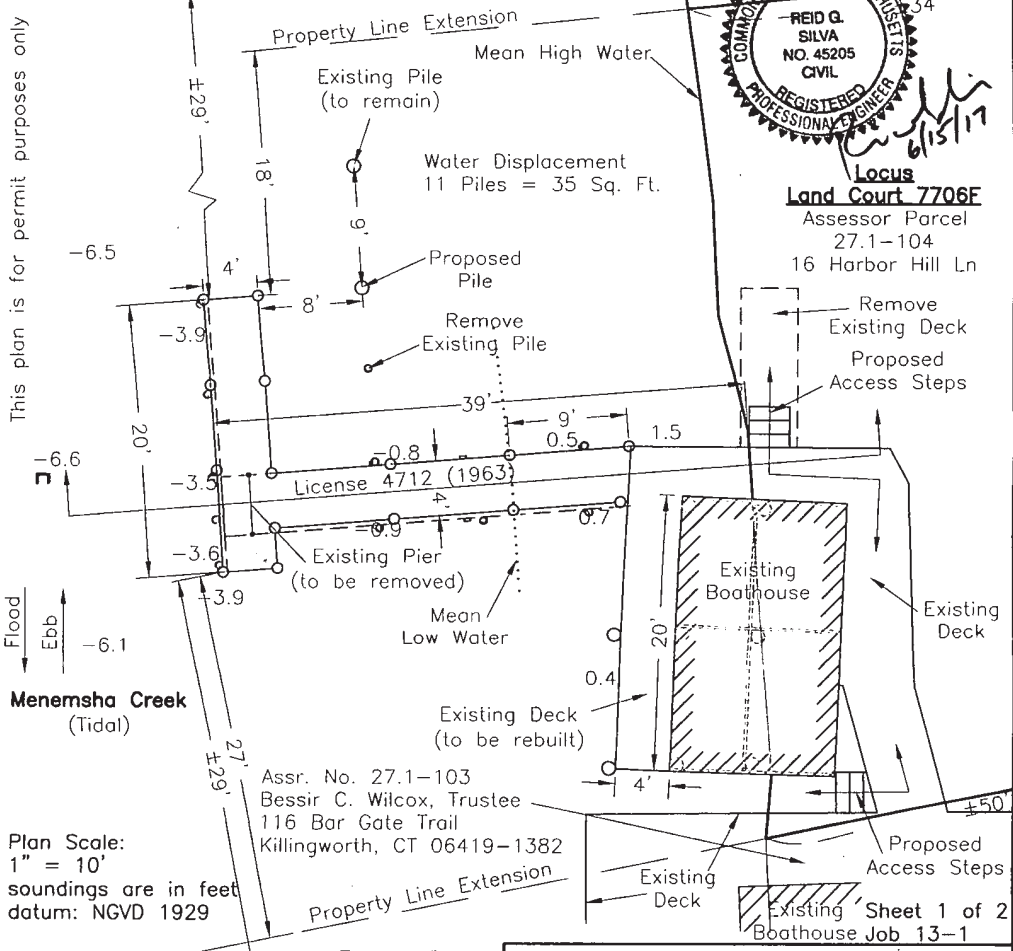
VINEYARD LAND SURVEYING & ENGINEERING, INC. 12 Courmoyer Road, P.O. Box 421 West Tisbury, MA 02575 P 508.693.3774 F 508.693.8575



Assr. No. 27.1-105 Frances C. Flanders, et al. PO Box 59 Chilmark, MA 02535

Squibnocket Quad N41.352 1:25,000 W-70.765

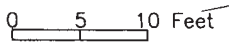
This plan is for permit purposes only



REID G. SILVA NO. 45205 CIVIL REGISTERED PROFESSIONAL ENGINEER Locus Land Court 7706F Assessor Parcel 27.1-104 16 Harbor Hill Ln

Menemsha Creek (Tidal) Plan Scale: 1" = 10' soundings are in feet datum: NGVD 1929

Assr. No. 27.1-103 Bessir C. Wilcox, Trustee 116 Bar Gate Trail Killingworth, CT 06419-1382

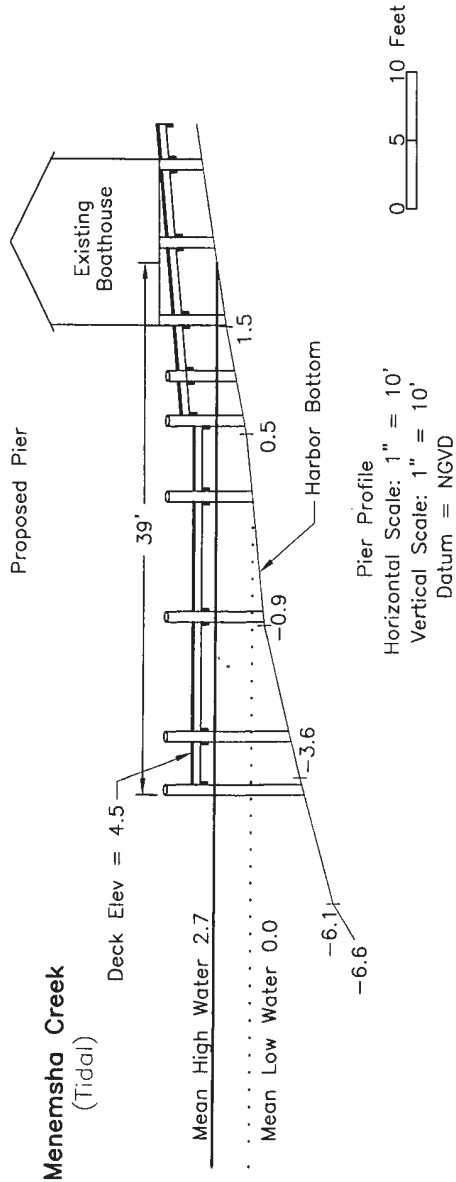


Existing Pier License 4360 (Approx. Dist.)

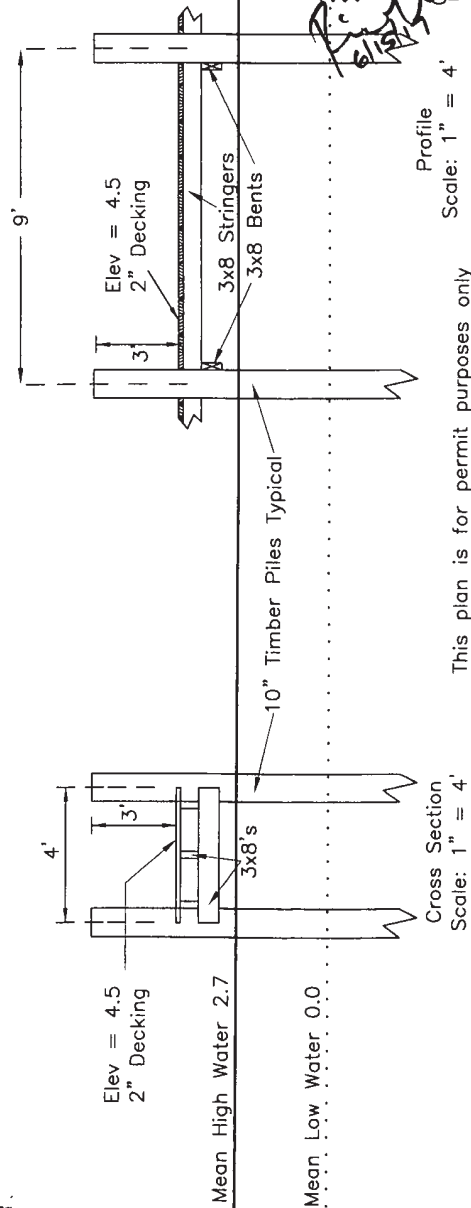
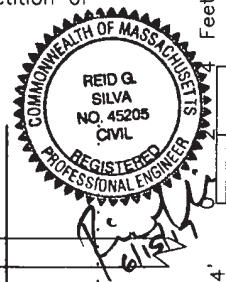
Plan accompanying petition of RMJ Dock LLC to rebuild and maintain a timber pile pier at 16 Harbor Hill Ln, Menemsha Basin, Chilmark, Mass. Revised: June 15, 2015

LICENSE PLAN NO. 14467 Approved by Department of Environmental Protection of Massachusetts David E. Hill SEP 26 2017

LICENSE PLAN NO. **14467**
Approved by Department of Environmental Protection
Date: **SEP 26 2017**



Plan accompanying petition of
RMJ Dock LLC
#16 Harbor Hill Ln
Scale: As noted



ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds